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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,702	12/28/2001	David M. Lee	42390.P13768	2187

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BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
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Los Angeles, CA 90025-1026

EXAMINER

SHAH, CHIRAG G

ART UNIT	PAPER NUMBER
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2664

DATE MAILED: 12/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/040,702

Applicant(s)

LEE ET AL.

Examiner

Chirag G Shah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 06-2004 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6 rejected under 35 U.S.C. 102(e) as being anticipated by Webber (U.S. Pub No. 2003/0039209).

Referring to claim 1,

Webber discloses in figure 2 and paragraphs 0017-0020 of a method of receiving a completion packet [acknowledgement positive or negative packet as disclosed in fig. 2 and paragraph 0018] at a receiving device [requesting device], the completion packet including a completor identification [as disclosed in 0017 and 0020, for example a positive acknowledgment is received to the requester from the responder for packet 1 as initially tagged by requester];

determining whether the completion packet received from the identified completor is expected by the receiving device [As disclosed in 0020 and figure 2, this determination is made by the requester when it receives a message from the responder by comparing based on sequence number of the last packet in the descriptor for the message with the sequence number of the acknowledgment received for that same message. In

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other words as further disclosed in 0020, if a request was made by the requester, the request tags (numbers) the packets by writing a sequence number in each packet header as they are transmitted, the responder transmits an acknowledgment back to the requester when it receives a packet, which includes the packet's sequence numbers]; and

discarding the completion packet if the completion packet if the completion packet is not expected [As disclosed in paragraph 0020-0021, if the responder detects a remote error in a packet of a message, it sends a negative acknowledgement to the requester while discarding any subsequent packets in the message. A remote error is an error detected by the requester after a packet has been received. Upon receiving the negative acknowledgement, the requester completes the message in error by writing a negative completion code to the CQ and the message is terminated/discarded] as claim.

Referring to claim 2, Webber discloses in paragraph 0026 and in figure 2&5 wherein determining whether the completion packet is expected includes determining whether the completion packet corresponds to any outstanding requests previously issued by the receiving device as claim.

Referring to claim 3, Webber discloses in paragraph 0026 of further comprising reporting an error condition as claim.

Referring to claim 4, Webber discloses in figure 2 and paragraphs 0017-0020 of a method, comprising:

receiving a completion packet [acknowledgment positive or negative packet as disclosed in figure 2 and paragraph 0018] at a receiving device [requesting device], the

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completion packet [ack packet] including a completion status [positive, negative, retransmission as disclosed in 0018] and a completor identification [packet tag (sequence number) as disclosed in 0017];

determining whether the completion packet includes a completion status other than successful [As disclosed in 0018-0020, a negative acknowledgment indicates that the responder has detected a remote error in a packet transmitted by the requester. The requester determines whether the ack packet includes a positive or negative packet completion status]; and

storing the completor identification in a first register (CQ) if the completion status is other than successful [As disclosed in paragraph 0020, upon receiving a negative acknowledgment, the requester completes the message in error by writing a negative completion code to the CQ and the message is terminated] as claim.

Referring to claim 5, Webber discloses in paragraphs 0019-0020 of further including indicating in a second register [in memory 102 called the completion Queue (CQ)] that an unsuccessful completion (negative acknowledgment) was received if the completion status is other than successful (a detected remote error) as claim.

Referring to claim 6, Webber discloses in paragraph 0018 and 0026 and in figure 2&5, further comprising reporting an error condition if the completion status is other than successful as claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7-10 rejected under 35 U.S.C. 103(a) as being unpatentable over Webber in view of Garcia et al. (U.S. Patent No. 6,494,343).

Referring to claim 7, Webber discloses in figure 2 and in paragraphs 0017-0020 of a method comprising:

servicing a request packet [packet 1, packet 2, etc. of paragraph 0017] from a requesting device [101 in figure 2] at a completor device [responder 103 in figure 3], the request packet including a requestor identification and a tag [as disclosed in 0017, the requester tags (numbers) the packets as they are transmitted by writing a sequence number in each packet header] ;

transmitting a completion packet with a completion status other than successful from the completor device to the request device if an error condition exist [As disclosed in figure 2, paragraph 0018, The responder transmits a negative acknowledgement indicating that the responder has detected a remote error in the packet transmitted by the requester]; and

Webber discloses in paragraph 0020, upon receiving a negative acknowledgment, the requester completes the message in error by writing a negative completion code to the CQ and the message is terminated. Webber fails to explicitly disclose of storing the requestor

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identification at a location in the completor device if the error condition exists. Garcia teaches a system where both the requester and responder nodes maintain local copies of a message sequence number. Garcia discloses in column 9, lines 60-67 that the responder when it generates either a positive or negative acknowledgment, it has a logic that copies the incoming sequence numbers and uses it in the sequence number field for acknowledgment. Thus, the responder serving as the completor device stores the sequence numbers in the logic having a negative and positive acknowledgment. Therefore, it would have been to one of ordinary skills in the art at the time of the invention to modify the teachings of Webber to include a memory logic in the completor device as taught by Garcia for storing acknowledgment error tags in order to provide high reliability and low latency communication in the event of failure.

Referring to claim 8, Webber discloses in 0017 and figure 2 that the requester 101 tags the packet as they are transmitted, by writing a sequence number in each packet header. Webber further discloses in paragraph 0017-0018 that the responder 103 transmits an acknowledgment back to the requester 102 when it receives a packet, which includes the packet's sequence number. The responder transmits a negative acknowledgment when the responder has detected a remote error in a packet transmitted by the requester. Webber, however, fails to explicitly disclose of storing the tag at a location in the completor device if the error condition exists. Garcia teaches a system where both the requester and responder nodes maintain local copies of a message sequence number. Garcia discloses in column 9, lines 60-67 that the responder when it generates either a positive or negative acknowledgment, it has a logic that copies the incoming sequence numbers and uses it in the sequence number field for acknowledgment. Thus, the responder serving as the completor device stores the sequence numbers in the logic having a

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negative and positive acknowledgment. Therefore, it would have been to one of ordinary skills in the art at the time of the invention to modify the teachings of Webber to include a memory logic for storing acknowledgment error tags as taught by Garcia in order to provide high reliability and low latency communication in the event of failure.

Referring to claim 9, Webber discloses in 0017-0019 further comprising indicating that a completion packet with a completer status other than successful was transmitted if the error condition exists as claim [as disclosed in the respective paragraphs that the responder 103 transmits an acknowledgment (negative) back to the requester 102 when it receives a packet, which includes the packet's sequence number].

Referring to claim 10, Webber discloses in paragraph 0018, 0026 and figure 2 of further comprising reporting the error condition if it exists as claim.

Response to Arguments

Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703)305-3988, (for formal communications intended for entry)

Or:

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(703)305-3988 (for informal or draft communications, please label "Proposed" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chirag G Shah whose telephone number is 571-272-3144. The examiner can normally be reached on M-F 6:45 to 4:15, 2nd Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 571-272-3134. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cgs
December 23, 2004


Ajit Patel
Primary Examiner